DISTRICT OF COLUMBIA STATEHOOD CONSTITUTIONAL CONVENTION

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Saturday, May 29, 1982

Washington, D. C.

The Plenary Session was convened at 11:28 a.m., in Convention Hall, 9th floor, 10th and E Streets, Northwest, Washington, D.C., Mr. Charles I. Cassell, President, presiding.

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P R O C E E D I N G S

PRESIDENT CASSELL: Ladies and gentlemen, I call the Convention to order.

We will have our moment of meditation, please.

(Pause.)

PRESIDENT CASSELL: Mr. Secretary, please call the roll.

(The Secretary called the roll as follows:)

MR. COOPER: Delegate Baldwin, Here; Delegate Barnes, Present; Delegate Blount, Present; Delegate Bruning, No Response; Delegate Cassell, Present; Delegate Clarke, No Response; Delegate Coates, No Response; Delegate Cooper, Present; Delegate Corn, No response; Delegate Croft, No Response; Delegate Eichorn, No Response; Delegate Feely, Present; Delegate Freeman, Here; Delegate Garner, No Response; Delegate Graham, Here; Delegate Harris, Here; Delegate Holmes, No Response; Delegate Jackson, Present; Delegate Johnson, Present; Delegate Jones, Present; Delegate Jordan, No Response; Delegate Kameny, Here; Delegate Lockridge, Present; Delegate Long, Here; Delegate Love, No Response; Delegate Maguire, Here; Delegate Marcus, No Response; Delegate Charles Mason, Here; Delegate Hilda Mason, Here; Delegate Brian Moore, No Response; Delegate Jerry Moore, No Response;

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Delegate Talmadge Moore, Here; Delegate Nahikian, Present; Delegate Nixon, No Response; Delegate Oulahan, No Response; Delegate Paramore, No Response; Delegate Robinson, Present; Delegate Rothschild, Here; Delegate Schrag, No Response; Delegate Shelton, Present; Delegate Simmons, Present for the 90th day of this Convention; Delegate Street, Present; Delegate Terrell, No Response; Delegate Thomas, No Response; Delegate Warren, Present; Delegate Brian Moore, Present.

Mr. President, there are 27 Delegates answering the roll.

PRESIDENT CASSELL: There being 27 Delegates answering the roll, this Convention is now in order.

The next item on the agenda is the approval of the agenda for the day. I assume that everybody has a copy of the agenda. The Chair will entertain a motion to approve the agenda.

MS. LOCKRIDGE: I so move.

PRESIDENT CASSELL: Is there a second.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the approval of the agenda be adopted. Those in favor of adopting the agenda, indicate by saying aye.

(A chorus of ayes.)

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PRESIDENT CASSELL: Those opposed?

(No Response.)

PRESIDENT CASSELL: Those abstaining?

(No Response.)

PRESIDENT CASSELL: The agenda is adopted.

The next item on the agenda is the Convention President's Report.

Ladies and gentlemen, this is a very happy occasion. This is he 90th day of the writing of the Constitution for the new State, which shall be called "New Columbia".

I would just like to make a brief review of the things that have taken place to bring us to this point. As you all know, for the last 100 years in Washington, D.C., the citizens have been trying to obtain for themselves representative government, and for much of the 19th and 20th centuries, we had a three commissioner form of government. In 1967, President Johnson appointed a City Council and a Mayor. In 1974, we were allowed to elect our City Council and Mayor.

But during all of those forms of government, our legislators and the Mayor have been responsible to the United States Congress.

We finally decided to find for ourselves representative government by applying for admission to the Union of

States, and this is one of the important phases of that.

I would point out to you that the essential thing desired by the citizens of Washington, D.C. is representative government through statehood, and one of the milestones along the way is the writing and adopting of a Constitution and having the approved by the people.

Today, we will approve that Constitution, and we will approve a new name for the State of New Columbia.

It has been a rather difficult task. We had a limited time. No State yet has come into being having had to write its constitution in a mere 90 days, nor has any State come into being with such a small budget, $150,000. Many people indicated that that simply was not enough time and predicted that we'd not make it and predicted that we'd have to have more money. We decided to make a good faith effort. We decided at one point that perhaps we ought to ask for additional time; the delegates, in their wisdom, decided that they would continue to function within that time frame, and I am proud to say that we have made it.

One of the reasons we were able to finish our work in such a limited time was the very, very hard work of the various committees of the Constitution and indeed, of the staff that has been working for us.

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Ladies and gentlemen, let us pause for a minute until we have been able to settle down. Will all delegates please position your chairs and settle down so that we may continue.

May we now come to order again? I would ask all delegates to be seated. Will all delegates please be seated?

All right. We were in the midst of the President's Report and I am sorry that we had that momentary delay. I had simply given a little background of how we came to be here.

I wanted to indicate that we were able to make our deadline within this relatively short time because of the unusually hard work of our Style and Drafting Committee, chaired by Delegate Chestie Graham, formerly by Delegate Gloria Corn. That Committee worked until 4:00 o'clock this morning, producing the copies of the document that you have before you. Must of the staff worked also.

I would just like to read the names of some of those individuals.

The members of the Style and Drafting Committee, who are here now after maybe two or three hours of sleep, are Chestie Graham, who is its current Chairperson; Robert Love, Hilda Mason, Charles Mason, Phil Schrag, Frank Kameny,

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Jeannette Feely, Brian Moore, Dave Clarke, and Sandra Johnson. The Vice-Chair of that Committee is Jeannette Feely, who has aided Chestie Graham in a very, very essential way.

Are there other members who were here until the wee hours of the morning whose names should be mentioned?

(Applause.)

PRESIDENT CASSELL: The members of the staff -- and I'd like to give a special commendation to Dr. Bobbie Austin.

(Applause.)

PRESIDENT CASSELL: As you know, the reason for that extended applause is that two weeks ago, it appeared as if there were no chance of our completing our work. Dr. Austin was given the assignment to coordinate, using whatever facilities, whatever supplies, whatever employees he needed, and he has done an excellent job, and I think that applause indicates that the delegates are aware of that.

We also had two word processors, who worked with us around the clock, also -- in fact, there were three of them. There was Olivia Williams, Ernest McGill, and Charles Davis.

(Applause.)

PRESIDENT CASSELL: We also want to make special commendation to our staff, and the Executive Secretary is not in the room now, but when she does come in, I will ask her to

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read --

(Applause.)

PRESIDENT CASSELL: Ms. Ellington, will you read to us the names of each person on the staff, please -- I'll tell you what, why don't you just write them down and pass them up to me and I'll read them as we go along.

I would also like to give special commendation to Mrs. Thelma Blackwell, who has become the Statehood Constitutional Convention caterer.

(Applause.)

PRESIDENT CASSELL: As you know, she made certain that we were well-fed, with very wholesome food -- wholesome food without sugar and excessive salt -- and contributed to the health of the Convention during the last 90 days.

I'd also like to mention Linda Smith from the City Council, who gave invaluable assistance last night to the Style and Drafting Committee.

(Applause.)

PRESIDENT CASSELL: Ms. Ellington, may I have the names, please?

Now, these are the people who have been with us for the past 90 days and who have done the hard work, who have taken all sorts of abuse and impatience and frustration from

the delegates, with good cheer and good temper, and who now are a part of this Convention's product.

Eddie L. Madison, who is our press officer; Dr. Robert Austin, we have mentioned; Mrs. Barbara Baker; Mr. Allan Boyd; Ms. Velma Brock; Ms. Jean Davis; Ms. Susan Dunnan; Ms. Ruth Farmer; Ms. Linda Greenan; Ms. Cindy Poe; Ms. Cynthia Wingfield. Now, those last ten people mentioned were our Research Assistants, working under the coordination of Dr. Austin.

My Secretary has been Ms. Jan Emery, a wonderful person. Ms. Ellington's Secretary has been Sandra Joiner, another very, very efficient person. And then there is Mr. Raynard Alexander, who sets this place up for us every day. He makes certain that the microphones and the receivers and the flags and the supplies that we need are here, and he has done an excellent job.

Mr. Ernest McGill, I have mentioned. He is one of our word processors. Mrs. Juanita Alston, our receptionist; Ms. Judy Wells, who was furnished to us by the Mayor; Ms. Sylvia Ware, who comes from the District of Columbia Government; Ms. Francine Brown and Elise Harvey, who come from the D.C. Government. We had Mr. Fred Lander with us at one point, and we now have Ms. Ali Smith. And it appears that

the General Counsel who has been with us and who has counselled us about the wisdom and appropriateness of much of what we have done in reading our articles -- Richard Thomas.

(Applause.)

PRESIDENT CASSELL: Now, I must say to you that we are in a building which is a part of the University of the District of Columbia, and they have allowed us to use this ninth floor. The University of the District of Columbia is also an integral part of this process. We thank them. But even more so, perhaps the most important people in the Convention -- please, pay attention -- the most important people in the Convention have been those people who have made it possible for us to get to this floor and down, the elevator operators, because without them --

(Applause.)

PRESIDENT CASSELL: -- the reason we give them special mention is that there are specific hours that we are supposed to be out of this building, and if those elevator operators don't stay, then we can't get out; we are locked in for the night. And many nights when we were supposed to have left at ten, when we were supposed to have left at eleven, voluntarily they have stayed. So they are the ones who made it possible, and they even stayed until 3:00 o'clock on

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Tuesday morning.

Please, may we have order in the Hall, now.

Now, if there is anybody else we have not mentioned -- I think we ought to mention also the Executive Committee, and the Executive Committee sits on the podium. I think they are all here.

Our First Vice President, Mr. James Baldwin.

(Applause.)

PRESIDENT CASSELL: Our Second Vice President, Mrs. Janette Hoston Harris.

(Applause.)

PRESIDENT CASSELL: Our Third Vice President, Ms. Alexa Freeman.

(Applause.)

PRESIDENT CASSELL: Our Secretary, Mr. William Cooper.

(Applause.)

PRESIDENT CASSELL: Our Treasurer, Theresa Jones.

(Applause.)

PRESIDENT CASSELL: Our Assistant Secretary, Mr. Richard Bruning.

(Applause.)

PRESIDENT CASSELL: And our Historian, Ms. Vicki

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Street.

(Applause.)

PRESIDENT CASSELL: All right, ladies and gentlemen, back to the business at hand.

Mr. Secretary, it has been called to my attention that there are some other individuals who have become a part of our family, and those are the court reporters. The court reporters have been very helpful and sympathetic with us, and have even indicated that they approve of the document.

(Applause.)

PRESIDENT CASSELL: Mr. Convention Secretary, have you a report to make?

MR. COOPER: Mr. President, today's docket reflects the activities of the Convention for the week. We have action on one proposal --

PRESIDENT CASSELL: Ladies and gentlemen, please. Now, there continues to be movement on the floor. I point out to you that this occasion shall probably not happen again in any of our lifetimes, so it is worth being quiet for the next hour or so.

May we continue, now? I presume that the one delegate who is on the floor would be seated very shortly. Delegate Shelton, please. We are in the midst of the Secretary's Report.

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MR. COOPER: Yes, Mr. President. On the docket for today, is one Proposal, Number SC 1-11A-0022, entitled, "The Constitution of the State of New Columbia", for final approval.

PRESIDENT CASSELL: Thank you, Mr. Secretary.

The next order of business is the third reading of the Constitution of the new State, which shall be called New Columbia.

Delegate Janette Hoston Harris?

MS. HARRIS: Chairman Cassell, I move that we read the Constitution of the State of New Columbia in its entirety and afterwards, cast our vote on the Constitution of the State of New Columbia.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we read the Constitution in its entirety and that we vote in up or down.

Those in favor, indicate by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

MR. LONG: No.

PRESIDENT CASSELL: Those abstaining?

(No response.)

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PRESIDENT CASSELL: The motion carries.

Delegate Simmons?

MS. SIMMONS: Yes, I have a point of information, Mr. President. When will it be appropriate for the accumulation of the names of those persons who served as volunteers and on an advisory and pro bono basis to many of the committees as they were working to develop their articles to become a part of the record? Now, I know you are going to do something at a later date; you have indicated that. But I think at some point, it should be a part of the record before it is closed.

PRESIDENT CASSELL: I think your point is well-taken. Just as soon as we finish adopting the Constitution, if indeed such names have been accumulated, we'd be glad to read them then.

All right. The Chairperson of the Style and Drafting Committee. For the information of those who may not know, the Style and Drafting Committee is that Committee whose responsibility it is to organize, to make certain that there are no grammatical errors, that there are no errors of consistency, and to present to us a document that has been treated editorially and which is suitable for recording as the Constitution of the new State.

Delegate Chestie Graham?

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MS. GRAHAM: Mr. President, should I move the adoption of the Constitution first, or just begin reading?

PRESIDENT CASSELL: It has already been moved and seconded that you read it in its entirety.

MS. GRAHAM: Thank you.

(Whereupon, Delegate Graham read the Title, Table of Contents, and Preamble of the Constitution of the State of New Columbia, in their entirety, as follows:)

(Insert)

CONSTITUTION

of the

STATE

of

NEW COLUMBIA

May 29, 1982

CONSTITUTION
STATE OF NEW COLUMBIA

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Preamble
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PREAMBLE

We, the people of the free and sovereign State of New Columbia, seek to secure and provide for each person: health, safety and welfare; a peaceful and orderly life; and the right to legal, social, and economic justice and equality.

We recognize our unique and special history and the diversity and pluralism of our people, and we have determined to control our collective destiny, maximize our individual freedom, and govern ourselves democratically, guaranteeing to each individual and the people collectively, complete and equal exercise and protection of the rights listed herein.

We reach out to all the peoples of the world in a spirit of friendship and cooperation, certain that together we can build a future of peace and harmony.

Therefore, being mindful that government exists to serve every person, we do adopt this Constitution and establish this government.

MS. GRAHAM: Madam President, members of our Committee will share in the reading of this Constitution, if it meets with your approval.

MS. HARRIS: That is fine, Delegate Graham.

MS. GRAHAM: Delegate Kameny will read the Bill of Rights, Article I.

MR. KAMENY: Madam President, it is with a great deal of pleasure and satisfaction that I read our Bill of Rights.

(Whereupon, Delegate Kameny read Article I, Bill of Rights, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

ARTICLE I

BILL OF RIGHTS

Section 1 Freedom of Association, Assembly, Expression, and Petition

Freedom of association, assembly, press, speech, and other forms of expression, and petition for redress of grievances shall not be abridged.

Section 2 Freedom of Religion

The State shall establish no religion nor interfere with the free exercise thereof. No person shall be denied any right or privilege because of religious belief or the exercise thereof.

Section 3 Freedom from Discrimination

Every person shall have a fundamental right to the equal protection of the law and to be free from historic group discrimination, public or private, based on race, color, religion, creed, citizenship, national origin, sex, sexual orientation, poverty, or parentage. Affirmative action to correct consequences of past discrimination against women, and against racial and national minorities, shall be lawful.

Persons with disabilities shall have the right to be treated as equal community members and the right to services as defined by law provided in a way that promotes dignity and independence and full community participation.

Youth and seniors shall have the right to the enjoyment of health and well-being and to the services as provided by law necessary for their development and welfare. No adult shall be discriminated against in housing or employment on the basis of age, except that services limited to senior citizens may be provided.

It shall be unlawful to commit or incite acts of violence against persons or property based on race, color, religion, creed, national origin, sex, or sexual orientation.

Equality of rights under the law shall not be denied or abridged in the State or any of its subdivisions because of sex.

This Section shall be self-executing and shall be enforced by appropriate legislation.

Section 4 Privacy

The right of the individual to decide whether to procreate or to bear a child is inviolable, as is the right to noncommercial private, consensual, sexual behavior of adults. Those who exercise or advocate these rights have, in addition, the right to be free from all forms of discrimination.

Political surveillance is contrary to democratic principles. Therefore, unless relevant for prosecution of past, present, or imminent crime, information on any person's exercise of freedom of religion, expression, association, assembly, or petition for redress of grievances, shall not be collected surreptitiously under color of law.

Individual privacy with respect to personal bank accounts, health, academic, employment, communications, and similar records, the disclosure of which would constitute an invasion of the privacy of the individual concerned, is a right, the protection of which shall be provided by law. However, the name, salary, and place of employment of each employee of the State and of any of its agencies or local government units is a matter of public record and shall be available to the public.

Section 5 Due Process

The State shall not deprive any person of life, liberty, or property without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be abridged.

Section 6 Searches and Seizures

Privacy is a fundamental right. Therefore, the people shall be free from unreasonable searches and seizures of their persons, homes, businesses, vehicles, papers, and effects. This right extends to all places and for all circumstances in which the individual has a reasonable expectation of privacy. The fruits of unlawful intrusions, including intrusions by private persons, shall not be used by the State for any purpose in any judicial or administrative proceeding against any individual, whether or not the individual was the target of an unlawful search or seizure, and whether or not the expectation of privacy of that individual was violated.

No search will ensue except under the authority of a valid warrant issued by a judicial officer; such warrant shall be issued only upon probable cause and must be supported by oath or affirmation describing with particularity the place to be searched and the persons or items to be seized. This Section does not preclude warrantless searches or seizures in the following circumstances: searches incident to a valid arrest; exigent circumstances under which officials conducting the search or seizure have no time to secure a warrant; inadvertent discovery of illegal material pursuant to the execution of a valid search warrant; searches and seizures conducted at international borders or their functional equivalent; administrative searches of pervasively regulated businesses pursuant to a general plan; and searches upon the consent of the individual who is the subject of the search or seizure, provided that the individual had been fully informed of the right to withhold consent, and no other exception to this Section is present. The official conducting the search bears the burden of proving fully informed consent.

The right to be secure against unreasonable interception of telephonic, telegraphic, electronic, and other forms of communication and against unreasonable interception of oral and other communications by electronic methods shall not be violated. No such interception shall occur except

following issuance of a warrant. No orders or warrants for such interceptions shall be issued but upon probable cause supported by oath or affirmation that evidence of crime may be thus obtained, and particularly identifying the means of communication and the person or persons whose communications are to be intercepted. Evidence obtained in violation of this paragraph shall not be admissible in any court against any person.

Section 7 Rights of Arrestees and Defendants

In all criminal matters, all persons have the right to the assistance of competent counsel from commencement of a custodial interrogation, during trial and appeal, and whenever they are subject to a deprivation of liberty. When arrested they shall be informed of their right to consult with counsel. Persons charged with a crime have the right to receive an explicit statement of the nature and cause of the accusation, to the discovery of all evidence possessed by the State, and to the presumption of innocence until proven guilty beyond a reasonable doubt. Convicted persons shall have the right to judicial review.

Section 8 Grand Jury

All persons have the right to be free from unwarranted or arbitrary prosecutions. The grand jury shall not engage in fishing expeditions. Grand jury indictments are required for all offenses carrying authorized prison sentences of one year or more. Grand jurors shall be drawn from a cross-section of the community. All grand jury witnesses shall have the right to assistance and presence of counsel, to be informed of the privilege against self-incrimination, and to be advised if they are, or may become, targets of prosecution. Criminal defendants are entitled to grand jury transcripts in a timely fashion.

The grand jury shall appoint and the State shall pay non-governmental counsel for independent advice. Indictments shall be issued only on probable cause and shall, upon motion, be dismissed for violations of this Section.

The House of Delegates shall determine the manner of grand jury selection and operation.

Section 9 Bail

The sole purpose of bail is to assure the presence of the accused at trial. Bail shall not be excessive and may take the form of a cash or property guarantee.

Section 10 Trial by Jury

Every person accused of a criminal offense is guaranteed the right to: a speedy, public, and fair trial; compulsory attendance of witnesses; confrontation with adversary witnesses; and trial by a jury of 12 persons. Conviction may be based only upon a unanimous jury verdict finding the accused guilty beyond a reasonable doubt.

Section 11 Punishment

The State shall not require excessive fines, nor impose cruel, corporal, or unusual punishment, or sentence of death. Penal administration shall be based upon the principle of reformation with the objective of restoring the offender to a useful role in community life. Convicted persons shall not be denied any rights specified in this Constitution except as shall be reasonably necessary for the security of a penal institution or the State and its citizens.

Section 12 Imprisonment for Debt

No person shall be imprisoned for inability to pay a debt.

Section 13 Double Jeopardy

No person shall be tried more than once for the same offense; further, the State shall try in a single trial all charges, actual and potential, arising from the same facts and circumstances. Trial of a person for an offense in any jurisdiction of the United States and subsequent trial under the jurisdiction of the State for the same offense based on the same set of facts and circumstances shall constitute double jeopardy under this Section.

Section 14 Bills of Attainder and Ex Post Facto Laws

Bills of attainder and ex post facto laws are prohibited.

Section 15 Habeas Corpus

The writ of habeas corpus shall be available promptly at all times, successively, and without limit in all cases of unlawful detention, conviction, or sentencing, whether or not the petitioner is in custody.

Section 16 Abolition of Common Law Criminal Offenses

Every crime shall be defined with specificity in a statute enacted by the House of Delegates, and no person shall be accused, arrested, tried, or convicted for any act not expressly defined as an offense by such statute. This Section shall take effect after the expiration of a time period to be specified by law.

Section 17 Abolition of Sovereign Immunity

Unless otherwise provided in this Constitution, the State and any of its subordinate levels of government, and any branch, agency, and office thereof, and any officer or agent thereof in both official and personal capacity, shall be amenable to suit and liability in the courts of this State or of the United States, with respect to official acts both of commission and omission, including the failure, inability, or refusal by law enforcement agencies of the State to provide reasonable protection to individuals from crimes of violence; except that, no judge of any court may be sued with respect to a decision rendered in any case, but may be questioned and required to testify as to issuance of any warrant.

Section 18 Slavery and Involuntary Servitude

Slavery and involuntary servitude are prohibited.

Section 19 Civil Suits

The right to a jury trial in a civil suit shall remain inviolate. The House of Delegates shall assure access to courts for those litigants unable to pay. Court costs shall not be required of any litigant unable to pay.

Section 20 Right to Employment

Every person shall have the right to employment, or if unable to work, an income sufficient to meet basic human needs.

Section 21 Equal Pay

All employees shall be guaranteed equal pay for equal work and equal pay for comparable work.

Section 22 The Right to Change

The State with its institutions belongs to the people who inhabit it. Whenever a government fails to serve its people, they may exercise their inalienable right to alter, reform, or abolish it.

Section 23 Unenumerated Rights

The enumeration in this Constitution of certain rights possessed by the individual or limitations upon the government shall not be construed to disparage nor deny other rights or limitations not enumerated.

Section 24 Self-Execution

All Sections of this Article shall be self-executing.

MR. KAMENY: Thank you, Mr. President.

PRESIDENT CASSELL: Thank you.

Delegate Graham.

MS. GRAHAM: Mr. President, Delegate Robert Love will read Article II, The Legislative Branch.

MR. LOVE: Fellow delegates, it is with the greatest of pleasure that I read to you Article II, The Legislative Branch. It was the Committee upon which I participated. I feel we have presented a flexible and responsive and responsible Legislative Branch arrangement.

I would like to thank James Terrell, who was the able Chair of my Committee; I would like to thank Councilwoman Hilda Mason; I'd like to thank Colonel Talmadge Moore; I'd like to thank our Treasurer, Theresa Jones; I'd like to thank our Editor-in-Chief, Jeannette Feely; I'd like to thank Gerry Warren; I'd like to thank Law Professor Phil Schrag and Public Utilities Commissioner Wesley Long. All of us worked very long and hard on this Committee.

(Whereupon, Delegate Love read Article II, The Legislative Branch, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

ARTICLE II

THE LEGISLATIVE BRANCH

Section 1 Legislative Power

The legislative power of the State shall be vested in the legislature, which shall be called the House of Delegates.

Section 2 Composition of the House of Delegates

The House of Delegates shall have one chamber composed of 40 members who are elected from single-member legislative districts. By majority vote of the Delegates present and voting, the House of Delegates shall elect a President from among its members.

Section 3 Qualifications of Members

A candidate for the House of Delegates must be a citizen of the United States. To become a Delegate, a candidate must receive the highest number of votes on the designated day of election from the qualified voters of the legislative district.

A Delegate must be at least 18 years old, a resident of the State for at least three years, a resident of the legislative district for at least 18 months, and a registered voter of that district. Every Delegate must reside in the legislative district while in office.

Section 4 Disqualifications

While in office, no appointed or elected Delegate may hold any other federal or state elected or appointed public office, position of profit, or employment. During the term of office, no member shall be elected or appointed to any public office or employment which shall have been created, or the salary or benefits of which shall have been increased, by legislative act during such term. This Section does not apply to Delegates seeking re-election, or election to a constitutional convention.

Section 5 Term in Office

A Delegate shall be elected for a four-year term.

Section 6 Time of Election

In general elections, half the Delegates will be elected in every even-numbered year. Following their election, winning candidates shall assume office on the second Monday of January.

Section 7 Vacancies

Legislative vacancies shall be filled as provided by law.

Section 8 Compensation of Members

The members of the House of Delegates shall receive annual salaries and such allowances as may be prescribed by law. However, any increase or decrease in salary or allowances shall not apply to a Delegate serving in the House of Delegates which enacted the increase or decrease until the re-election of that Delegate.

The Governor shall appoint, subject to the advice and consent of the House of Delegates, members of a five-member commission. Every four years, this commission shall report to the public the level of legislative compensation that is appropriate, taking into account comparable compensation in the public and private sectors. The members of the commission shall hold no other public office. Procedures for the establishment and operation of the commission shall be established by law.

Section 9 Sessions

The House of Delegates shall be a continuing body during the term for which Delegates are elected; however, all unapproved pending bills shall expire automatically on the second Monday in January of each odd-numbered year. The House of Delegates shall meet in regular sessions annually, as provided by law. It may also be convened by the Governor, subject to the conditions of Article III, or by the President of the House of Delegates at the written request of a majority of all Delegates.

Adequate advance notice of all meetings of the House of Delegates and of its committees shall be published. The notice shall include the agenda. All meetings of the House of Delegates and of its committees shall be open to the public, to the press, and to radio and television coverage. However, meetings involving confidential discussions of specific staff personnel may be closed by a two-thirds vote of the House of Delegates or the committee.

Section 10 Organization and Procedure

The courts shall be the final judge of the election and qualifications of Delegates. The House of Delegates shall prescribe its rules of procedure which shall be consistent with this Constitution. It may compel the attendance of absent members, discipline its members, and, with the concurrence of two-thirds of all members, expel a member for cause. It shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before the House of Delegates as a whole or before any of its committees.

Section 11 Legislative Immunity

For any speech or debate in the House of Delegates, Delegates shall not be questioned in any other place.

Section 12 Transaction of Business

A majority of all Delegates shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of

absent members. The House of Delegates and its committees shall keep journals of proceedings. Each journal shall be available to the public and shall also be promptly published. The journal shall contain all motions made and the votes on those motions. A record vote, with the yeas and nays entered into the journal, shall be taken in the House of Delegates on any vote deciding final passage or defeat of a bill, on any vote to defer consideration of a question indefinitely, and on any vote on the demand of four members. In committee, upon demand of any member, or on any vote deciding final approval of a report, the yeas and nays shall be recorded and entered into the journal.

A verbatim or electronically produced record of proceedings of the House of Delegates and of standing committees shall be made available to the public on request.

Section 13 Committees

The House of Delegates may establish committees necessary for the conduct of its business.

Section 14 Bills

The House of Delegates shall enact no law except by bill. The subject of every law shall be clearly expressed in its title. Each law shall have an enacting clause as follows: "Be it enacted by the people of the State of New Columbia." No bill embracing more than one subject shall be passed except appropriation bills which shall include only appropriations and bills for the codification or revision of the laws. All laws shall be published. Whenever a law or section of law is amended, it shall be re-enacted and republished. Every law shall be plainly worded.

Section 15 Passage of Bills

No bill shall become law unless

a) a majority of the entire House of Delegates has approved it in identical form on two occasions at least 13 calendar days apart and the bill had been printed and distributed at least three calendar days in advance on both occasions; or
b) the Governor has certified that prompt passage, precluding a time lapse of 13 days, is essential, and a majority of all Delegates approve the bill.

Section 16 Approval or Veto

All bills approved by the House of Delegates, except those relating solely to legislative procedure, shall be presented to the Governor for signature or for veto. The Governor may, by veto, strike items in appropriation bills. The Governor shall veto other bills only as a whole. The Governor shall promptly return any vetoed bill or item of appropriation to the House of Delegates with a statement of objections. A bill shall become law if the Governor either signs it or does not veto it within 15 days of presentation.

Section 17 Legislative Action Upon Veto

Upon receipt of a veto, the House of Delegates shall promptly reconsider passage of the vetoed bill or appropriation item. Such a bill or item requires only one reading. A vetoed bill shall become law by the affirmative votes of two-thirds of all Delegates, except that a veto of an appropriation bill or item shall be overridden by the affirmative votes of two-thirds of the Delegates present and voting.

If the House of Delegates is not in session when a bill or item is vetoed, the House of Delegates may consider the bill or item at its next regular or special session.

Section 18 Effective Date of Laws

No law shall take effect earlier than 90 days after enactment except laws declared to be emergency laws and laws which under this Constitution are not subject to referendum. An emergency law shall contain a preamble setting forth the facts constituting the emergency and a statement that the law is necessary for the immediate preservation of the public peace, health, safety, or convenience. A separate recorded vote shall be taken on the preamble, and unless the preamble is adopted by two-thirds of the members of the House of Delegates present and voting, the law shall not be an emergency law.

Section 19 Auditor

The House of Delegates shall appoint an auditor to serve for six years or until a successor has been appointed. By a two-thirds vote of all Delegates, the House of Delegates at any time may remove the auditor from office for cause. Each year the auditor shall conduct a thorough audit of all State government accounts and operations and shall submit these audit reports to the Governor and to the House of Delegates. The House of Delegates shall make available these reports and distribute summaries to the public.

Section 20 Impeachment

Any executive official elected or appointed with legislative consent is subject to legislative impeachment for cause as may be provided by law.

Impeachment shall originate in the House of Delegates and must be approved by the affirmative votes of two-thirds of all Delegates.

The motion for impeachment shall state the reasons for the proceeding.

Trial on impeachment shall be conducted by the House of Delegates in accordance with procedures provided by law. A Justice of the Supreme Court shall preside at the trial.

Conviction requires the affirmative votes of two-thirds of all Delegates.

The judgment on conviction may not extend beyond removal from office and disqualification to hold and enjoy any state office of honor, trust, or

profit but shall not prevent proceedings in the courts on the same or related charges.

Section 21 Code of Ethics

The House of Delegates shall enact conflict-of-interest legislation which shall apply to all elected and appointed State and local candidates for and officials in the executive, legislative, and judicial branches of government. The conflict-of-interest legislation shall include, but not be limited to, requirements for mandatory annual disclosure by public officials of economic interests and sources of income. A Delegate who has personal or private interests, as defined by law, in any proposed or pending bill, shall disclose this fact to the presiding officer and shall not vote on that bill.

MR. LOVE: Thank you.

MS. GRAHAM: May I say to the Committee to please continue the reading of the Constitution when you come forward.

PRESIDENT CASSELL: Yes, Delegate Graham. Excuse me for interrupting. Let me ask that there be no statements other than to continue reading the Constitution. Thank you.

MS. GRAHAM: Thank you.

Ms. Barbara Lett Simmons will read Article III, The Executive Branch. She is a member of our Committee.

MS. SIMMONS: I am happy to read the Executive Section, and I think that those members of the Committee have a right to stand as it is being read.

(Whereupon, Delegate Simmons read Article III, The Executive Branch, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

ARTICLE III

THE EXECUTIVE BRANCH

Section 1 Executive Power Vested in the Governor

The executive power of the State shall be vested in the Governor, who shall be responsible for the faithful execution of the laws.

Section 2 The Lieutenant Governor

There shall be an elected Lieutenant Governor whose primary duties shall be prescribed by law.

The Lieutenant Governor shall serve as Governor during any period of gubernatorial disability as determined by the Supreme Court. The Lieutenant Governor shall exercise only those administrative duties necessary for the continued and efficient functioning of the State until the Governor either resumes office or is replaced in a special election.

Section 3 The Attorney General

There shall be an Attorney General appointed by the Governor, with the advice and consent of the House of Delegates, for a term of four years. The Attorney General shall be the chief legal officer of the State and shall have responsibility for advising the Governor on legal questions, prosecuting offenders, and representing the State in all legal matters.

Section 4 Election of Governor and Lieutenant Governor

(A) Election The Governor and the Lieutenant Governor shall be elected by direct popular vote at the regular elections in Presidential election years. Their term shall be four years, beginning on the second day of January following their election.

(B) Voting Candidates for Governor and Lieutenant Governor shall run in pairs for whom a single vote shall be cast. The pair of candidates having the highest number of votes shall be elected Governor and Lieutenant Governor. In case of a tie between two or more pairs of candidates, a runoff election shall be held.

(C) Re-election A person who has served two consecutive terms of office as Governor or as Lieutenant Governor shall be ineligible for re-election to the same office for the term immediately following.

(D) Qualifications The Governor and the Lieutenant Governor must be at least 30 years old upon assumption of office, citizens of the United States, and residents of the State for at least five years. They shall hold no other public office or regular employment.

Section 5 Powers of the Governor

(A) Administration The Governor shall control the administration of the Executive Branch. With the advice and consent of the House of Delegates,

the Governor shall appoint the heads of all principal departments, and administrative offices and agencies whose appointment or election is not otherwise provided. The Governor may at any time require information, in writing or otherwise, from the officers of any administrative department, office, or agency concerning any subject relating to their offices. The Governor may remove any gubernatorially appointed official of the Executive Branch.

(B) Commander-in-Chief The Governor shall be Commander-in-Chief of the armed forces of the State, and may call out such forces to execute the laws.

(C) Executive Clemency The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, subject to such procedures as may be prescribed by law. A parole system shall be provided by law.

(D) Legislative Power On extraordinary occasions, the Governor may convene the House of Delegates by a proclamation which shall state the purposes for which the session is convened. When so convened, the House of Delegates shall not legislate on any subject not specified in the proclamation, except to provide for the expenses of the session and other incidental matters. The Governor may convene the House of Delegates at some other place if the security of the seat of government is threatened.

The Governor shall present a message to the House of Delegates at the beginning of each session. At other times the Governor may inform the House of Delegates of the affairs of the State and may submit legislative recommendations.

(E) Judicial Powers The Governor shall appoint Justices and Judges as provided for in this Constitution.

Section 6 Budget

At a time fixed by law, the Governor shall submit to the House of Delegates a budget for the next fiscal period.

Section 7 Principal Departments

(A) Limitation All offices and agencies of the Executive Branch shall be allocated by law among not more than 20 principal departments which shall be grouped as far as practicable according to major purposes. For this limitation the offices of Governor, Lieutenant Governor, Attorney General, and the governing bodies of institutions of higher education provided for in this Constitution shall not be counted.

(B) Reorganization The Governor may make changes in the organization of the Executive Branch or in the assignment of functions among its units in order to improve the administration of government. If such changes require amendments to existing law, they shall be set forth in Executive Orders, which shall be submitted to the House of Delegates at least 60 days before

the end of the regular session, shall have the force of law, and shall become effective 60 days after submission, unless specifically modified or disapproved by a resolution concurred in by a majority of all the members of the House of Delegates.

Section 8 Boards and Commissions

(A) Appointments With the advice and consent of the House of Delegates, the Governor may appoint members of boards and commissions. The terms of office and procedures for removal of such members shall be as prescribed by this Constitution or by law.

(B) Establishment Boards and commissions may be established by law unless otherwise provided in this Constitution.

(C) Membership Not all members of any board or commission shall be members of the same political party.

Section 9 Advice and Consent to Appointments

An appointment subject to the advice and consent of the House of Delegates requires a majority vote of all members of the House of Delegates.

Section 10 Vacancies

(A) State Officials The Governor may make an interim appointment to fill a vacancy occasioned by the death, resignation, suspension, or removal of an appointed or elected officer, other than a legislative or judicial officer, until the officer is reinstated or the vacancy is filled in the manner prescribed by law or this Constitution. A person whose appointment to an office has been disapproved by the House of Delegates, shall not be eligible for an interim appointment to that office.

(B) United States Senators In the event of a vacancy in the office of United States Senator or Senator-elect, the Governor may appoint a person who possesses the necessary qualifications to hold the office until the next regularly-scheduled general election at which the vacancy can practicably be filled or the expiration of the term, whichever is sooner.

(C) Implementation The House of Delegates shall implement this Section by appropriate legislation.

Section 11 Compensation

The Governor and the Lieutenant Governor shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during their terms of office. Such compensation shall not be diminished during the term of office.

Section 12 Executive Residence

A suitably furnished executive residence may be provided within the State for the use of the Governor. The Governor shall receive an allowance for its maintenance as provided by law.

Section 13 Succession to the Governorship

(A) Governor If the Governor dies, resigns, is removed from office, or is determined by the Supreme Court to be permanently disabled, the Lieutenant Governor and other persons in a sequence prescribed by law shall become Governor for the remainder of the term of the Governor.

(B) Governor-elect If the Governor-elect dies, or is determined by the Supreme Court to be permanently disabled, the Lieutenant Governor-elect, and other persons in a sequence prescribed by law shall become Governor at the commencement of the term of the Governor-elect.

Section 14 Great Seal

There shall be a Great Seal of the State, which shall be kept and used officially by the Lieutenant Governor as prescribed by law.

MS. SIMMONS: That concludes the reading of the Executive Branch Powers, Article III in this Constitution.

PRESIDENT CASSELL: Thank you.

Delegate Graham, I believe that Delegate Simmons, in reading Section 12, used a word which is not in the Article, "A suitably furnished executive residence may be" -- is that the way it should have been read?

MS. GRAHAM: Yes. She used "shall" for "may". We note that, Mr. President.

PRESIDENT CASSELL: The correct reading is as it is written, "may"?

MS. GRAHAM: Yes, "may".

Mr. President, The Judicial Branch, Article IV, will be read by Delegate Brian Moore.

MR. MOORE: A special note of recognition should be --

PRESIDENT CASSELL: Delegate Moore, please proceed with the reading.

(Whereupon, Delegate Moore read Article IV, The Judicial Branch, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

ARTICLE IV
THE JUDICIAL BRANCH

Section 1 Judicial Power

The judicial power of the State shall be vested in a unified judicial system, consisting of a Supreme Court, a Superior Court, and such inferior and appellate courts as may be established by law. All such courts shall be courts of record.

Section 2 Supreme Court

(A) Jurisdiction The Supreme Court shall have jurisdiction of appeals from final decisions of the Superior Court or, alternatively, of appeals from final decisions of an intermediate appellate court, if one has been established. The Supreme Court shall also have jurisdiction of other matters, including

1) appeals from decisions of the Superior Court that are not yet final, as may be provided by law;
2) appeals from appellate decisions of the Superior Court, as may be provided by law;
3) appeals from determinations regarding disability of the Governor and of the Governor-elect;
4) appeals from gubernatorial and other executive branch orders and decisions, as may be provided by law; and
5) such other jurisdiction as may be provided by law.

(B) Composition The Supreme Court shall consist of a Chief Justice and eight Associate Justices, who shall sit en banc and not by division or panel when determining the merits of appeals. The Chief Justice shall be designated by the Judicial Nomination Commission from among the Justices in regular active service. The Chief Justice shall serve as Chief Justice for a term of four years or until a successor is designated. The Chief Justice shall be eligible for redesignation as Chief Justice.

Section 3 Superior Court

(A) Jurisdiction The Superior Court shall have jurisdiction of civil actions or other matters, at law or in equity, brought in the State; criminal proceedings under any statute of the State; and such other jurisdiction, including appellate jurisdiction of cases decided by inferior courts, as may be provided by law.

(B) Composition The Superior Court shall consist of a Chief Judge and 43 or more Associate Judges, as provided by law. The Chief Judge of the Superior Court shall be designated by the Judicial Nomination Commission from among the Judges in regular active service and shall serve as Chief Judge for a term of four years until a successor is designated. The Chief Judge shall be eligible for redesignation as Chief Judge.

Section 4 Qualifications

(A) Qualifications A person nominated as a Judge or Justice must be
1) a citizen of the United States;
2) an active member of the Unified State Bar who has been engaged in the practice of law in the State for five years preceding nomination but who has not served within the two preceding years as a member of the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure; and
3) an actual resident of the State for at least five years immediately prior to nomination.

(B) Disqualifications No Judge or Justice shall hold any other State or Federal paid office, position of profit, or employment. Upon becoming a candidate for any elective office, or upon ceasing to reside in the State, a Judge or Justice shall forfeit judicial office.

Section 5 Vacancies in the Office of Judge or Justice

The Governor shall fill any vacancy in any office of Judge or Justice by appointing one of two or more persons nominated by the Judicial Nomination Commission.

Section 6 Salary of Judges and Justices

The salary and benefits of a Judge or Justice may not be reduced during the term in office of the Judge or Justice.

Section 7 Judicial Nomination Commission

The Judicial Nomination Commission shall consist of nine members, each of whom shall serve for six years and until a successor has been appointed. Each member shall be a citizen of the United States, shall have been an actual resident of the State for at least five years prior to appointment, and shall maintain residency in the State.

Section 8 Judicial Nomination Commission Membership

Members of the Commission shall be selected as follows:
a) Six members shall be appointed by the Governor, with the advice and consent of the House of Delegates. Two of them shall have been engaged in the practice of law in the State for at least five successive years preceding appointment. The other four shall not be lawyers.
b) Two members shall be appointed by the Board of Governors of the Unified State Bar and shall have been engaged in the practice of law in the State for at least five years preceding appointment.
c) One member shall be appointed by the House of Delegates and shall be a lawyer or a retired Judge or Justice of the State.

[illegible] receive compensation as provided by law. The Commission [illegible] members its chairperson and such other

Section 9 Tenure of Judges and Justices

Judges of the Superior Court and Justices of the Supreme Court shall be appointed for life, subject to removal by the voters and to removal, suspension, or involuntary retirement by the Commission on Judicial Disabilities and Tenure, as provided for in this Article.

Section 10 Retention Elections

In a manner provided by law, each Judge or Justice shall be subject to retention or removal by the voters, on a nonpartisan ballot, at the first general election held more than three years after initial appointment. An additional retention election shall be held every ten years for a Supreme Court Justice, and every six years for a Superior Court Judge.

Not less than eight months prior to a retention election, a Judge or Justice may file with the Commission on Judicial Disabilities and Tenure a request for official evaluation. If a request is filed, this Commission shall prepare, not less than 90 days prior to the date of the election, a written evaluation of the performance and fitness for continued service of the Judge or Justice, including a rating on a scale established by law. In evaluating the Judge or Justice, the Commission shall collect relevant information from a representative sample of judges, lawyers, scholars, litigants, and jurors familiar with the work of the Judge or Justice. The Commission shall make its report and rating available to the Judge or Justice, the press, and the public. If no request for evaluation is filed, the Commission shall report that fact.

Section 11 Commission on Judicial Disabilities and Tenure

(A) Qualifications The Commission on Judicial Disabilities and Tenure shall consist of five members, each serving for a term of six years. A member must

a) be a United States citizen who is not an officer or employee of the State government or of the legislative or executive branches of the federal government; and
b) have been an actual resident of the State for at least five years immediately prior to appointment.

(B) Selection Two members shall be lawyers appointed by the Board of Governors of the Unified State Bar. Two members, one of whom shall not be a lawyer, shall be appointed by the Governor with the advice and consent of the House of Delegates. One member shall be appointed by the House of Delegates, and shall not be a lawyer. Members who are lawyers shall have the qualifications prescribed for persons appointed as Judges of the Superior Court.

(C) Procedure The Commission shall choose annually, from among its members, a chairperson and such other officers as it may deem necessary. [illegible] any necessary rules of procedure. It may conduct studies [illegible] Judiciary. It may require the Governor to

facilities as may be necessary to enable it to perform its functions properly, but information so furnished shall be treated by it as privileged and confidential. The Commission shall act only at meetings called by the chairperson or by a majority of the members after notice to all members.

Section 12 Removal, Suspension, and Involuntary Retirement of Judges and Justices

A Judge or Justice of a court shall be removed from office upon the filing in the Supreme Court by the Commission on Judicial Disabilities and Tenure of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under federal law or which would be a felony in the State. A Judge or Justice shall also be removed from office upon affirmance of an appeal from an order of removal filed in the Supreme Court by the Commission on Judicial Disabilities and Tenure (or upon expiration of the time within which such an appeal may be taken) after a determination by that Commission of willful misconduct in office, willful and persistent failure to perform judicial duties, or any other conduct which is prejudicial to the administration of justice.

A Judge or Justice shall be involuntarily retired from office when the Commission on Judicial Disabilities and Tenure determines that the Judge or Justice suffers from a mental or physical disability, including habitual intemperance, which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties, and that Commission files in the Supreme Court an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken has expired.

A Judge or Justice shall be suspended without salary upon proof of conviction, which has not become final, of a crime which is punishable as a felony under federal law or which would be a felony in the State, or upon the filing of an order of removal which has not become final. A Judge or Justice shall also be suspended without salary upon the filing by the Commission on Judicial Disabilities and Tenure of an order of suspension in the Supreme Court. Suspension for either of these reasons shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the Judge or Justice shall be reinstated and shall recover the salary and all rights and privileges of office.

A Judge or Justice shall be suspended from judicial duties with any retirement salary to which the Judge or Justice is entitled, upon the filing by the Commission on Judicial Disabilities and Tenure of an order of involuntary retirement in the Supreme Court. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the Judge or Justice shall be reinstated and shall recover all judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

[illegible]ended from all or part of the Judge or

Disabilities and Tenure, upon concurrence of four members, orders a hearing for the removal or retirement of the Judge or Justice pursuant to this Section and determines that the suspension is in the interest of the administration of justice, and files an order of suspension in the Supreme Court. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Commission) but in no event later than the termination of all appeals.

Section 13 Administration

The Chief Justice of the Supreme Court shall be the administrative head of all courts of the State. The Chief Justice may assign Judges and Justices for temporary service in any court. With the approval of the Supreme Court, the Chief Justice shall appoint an administrative director to serve at the pleasure of the Supreme Court and to supervise the administrative operations of the judicial system of the State.

Section 14 Financing

Before each fiscal period, the Chief Justice of the Supreme Court shall submit to the Governor a budget for the judicial system, including detailed estimates of necessary appropriations and expenditures, full-term operating and capital improvements projections, and a qualitative and quantitative description of court activities. The Governor shall transmit the proposed budget to the House of Delegates without changing it, but may make recommendations with respect to it. The Governor shall not be required to propose revenues to fund the entire submission but must propose revenues to finance that portion of the proposed budget recommended for acceptance by the House of Delegates.

Section 15 Rulemaking

The Supreme Court shall make and promulgate rules governing the administration of all courts, including rules governing practice and procedure. These rules may be changed by law.

Section 16 Vacancies in Judicial Commissions

Persons appointed to fill vacancies arising for a reason other than expiration of a prior term on the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure shall serve only for the remainder of the unexpired term. Any vacancy shall be filled in the manner in which the original appointment was made.

Section 17 Definition

2S1

(Whereupon, Delegate Freeman assumed the Chair.)

MS. GRAHAM: Madam President, Delegate Charles Mason will read Article V, Suffrage.

MR. MASON: Thank you.

(Whereupon, Delegate Mason read Article V, Suffrage, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

ARTICLE V

SUFFRAGE

Section 1 Voting Eligibility

Every citizen of the United States is eligible to vote in any election and to circulate and sign nominating, initiative, referendum, recall, and other petitions authorized by law, provided that the person

(a) resides or is domiciled in the State or the National Capital Service Area as defined in this Constitution and does not claim voting residence or the right to vote in any other state, territory, or country;
(b) will be at least 18 years old on the date of the election;
(c) is not mentally incompetent as determined by a court of competent jurisdiction;
(d) is not incarcerated in a correctional institution as a result of conviction in the United States of a crime which would be a felony in the State; and
(e) has registered to vote at the time of the election or by the time the petitions are filed.

An eligible person may register at any time except that the House of Delegates may prescribe a period of delay of up to 30 days between the date on which a person registers and the date on which that person becomes eligible to vote.

Section 2 Eligibility of Residents Temporarily Out-Of-State

No person shall be deemed to have lost residence or domicile in the State solely because of temporary absence from the State while serving in the service of the United States, while serving as an officer or member of the crew of a merchant vessel, or while attending an educational institution outside the State.

Section 3 Absentee Voting

The House of Delegates shall provide for absentee voting.

(Whereupon, President Cassell resumed the Chair.)

MS. GRAHAM: Mr. President, Article VI, Education, will be read by Ms. Jeannette Feely.

(Whereupon, Delegate Feely read Article VI, Education, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

ARTICLE VI

EDUCATION

Section 1 Provision For Education

(A) Preamble Recognizing the distinct and unique heritage of its diversified population, the State is committed in its educational goals to the preservation of cultural integrity and to the promotion of equality of opportunity for every individual to develop fully.

(B) Equal Educational Opportunity The State shall guarantee equality of educational opportunity in public educational institutions to all residents regardless of race, sex, religion, color, national origin, citizenship, condition of disability, and other individual characteristics. The State may be sued for default of this guarantee. The House of Delegates shall provide penalties for any individual who violates this guarantee.

Section 2 Primary and Secondary Education

(A) Primary and Secondary Schools The State shall provide for the establishment, financing, and control of a uniform, high-quality, statewide system of free public primary and secondary schools, including specialized schools, for all residents. Education to standards established by the State Board of Education shall be compulsory for all residents between the ages of 6 and 18, except those who have already completed all secondary school requirements. All public schools shall be free of sectarian or religious instruction. Children of Diplomatic Corps members may attend public schools, as provided by the State Board of Education.

(B) State Board of Education The general control and supervision of the public school system shall be vested in a State Board of Education consisting of nine voting members. Eight members shall be elected from separate electoral districts varying by no more than three percent from the average population of all districts, and one shall be a student representative who shall be enrolled in a public senior high school and elected by the public senior high school student population. The duties, qualifications, compensation, term of office, and manner of election of the State Board of Education and the electoral district boundaries shall be as provided by law and by this Constitution.

(C) State Superintendent of Public Instruction The State Board of Education shall appoint the State Superintendent of Public Instruction and shall prescribe the length of term, compensation, powers, and duties of the Superintendent.

(D) Budget The State Board of Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of all primary and secondary schools. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Education, but not in a line-item manner. This budget shall include full-term operating and capital improvements

projections and qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Education.

(E) Title to Property Any property titled in the name of the District of Columbia or of the State and used by or acquired for the use of the Board of Education of the District of Columbia or of the State Board of Education shall henceforth be deemed to be titled in the name of the State Board of Education.

(F) Control of Property The State Board of Education shall control the leasing and renting of its buildings and lands. With the advice and consent of the House of Delegates the State Board of Education may sell and purchase buildings and lands.

(G) Public Involvement in Schools To the maximum extent possible, the State Board of Education shall promote parental, administrative, community, teacher, and student involvement in local schools.

(H) Libraries Public libraries and other such institutions may be used to enhance public school programs relating to the history and culture of the State.

(I) Minimum Standards All private elementary and secondary schools shall be required to meet the same minimum standards for instructors, instruction, and student achievement as may be imposed by the State Board of Education upon the public schools. The State Board of Education may establish equivalent alternatives to the above standards.

Section 3 Higher Education

(A) System of Higher Education The State shall provide for the establishment, financing, and control of a public system of higher education which shall constitute a public trust and shall consist of the State University and such other institutions of higher learning as may be established by law. This system shall be supervised by the Board of Higher Education which shall be a body corporate. The Board of Higher Education shall have general supervision of all state institutions of higher instruction, direction and control of all funds and appropriations, and other powers and duties as prescribed by law.

(B) Board of Higher Education The Board of Higher Education shall consist of

(1) eight voting members, of whom one shall reside in each State Board of Education electoral district, who shall be appointed by the Governor, with the advice and consent of the House of Delegates, and who shall serve for staggered terms of six years;
(2) three voting members representing alumnae, alumni, and students, of whom one shall be selected by the body of alumnae and alumni, one shall be a graduate student selected by the entire graduate student body, and one shall be an undergraduate student selected

by the entire undergraduate student body; and

(3) three ex-officio members without the right to vote: the Governor, the President of the House of Delegates, and the Superintendent of Public Instruction.

(C) Compensation and Tenure Members of the board of Higher Education

(1) shall receive no salary, but may be reimbursed for expenses incurred in the discharge of their duties; and

(2) shall not be removed except for cause and by due process of law.

(D) Budget The State Board of Higher Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of its entire system. The budget for the State Board of Higher Education shall include all State colleges and universities and the institutions subject to its control. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Higher Education but not in a line-item manner. This budget shall include full-term operating and capital improvements projections and qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Higher Education.

(E) Title to Property Any property titled in the District of Columbia or in the State and used by or acquired for the use of the Trustees of the University of the District of Columbia, or any of its predecessor institutions, or of the State Board of Higher Education shall henceforth be deemed to be titled in the name of the State Board of Higher Education, which shall control the leasing and renting of these properties.

However, no such buildings or lands shall be sold or purchased, except with the consent of the House of Delegates.

Section 4 Restrictions on Financing of Non-Public Education

(A) Prohibition of Financial Support to Schools The State shall provide no financial support, either directly or indirectly, unless earmarked for a program of public service, to any sectarian, denominational, or religious school, or to any pre-elementary, elementary, secondary, or post-secondary school which is not owned and exclusively controlled by the State.

(B) Prohibition of Support for Students or Employees Except as otherwise provided in this Section, the State shall provide no payment; credit; tax benefit, exemption, or deduction; tuition voucher; or subsidy, grant, or loan of public monies or property, in any way, either directly or indirectly,

(1) to support the attendance of any student at any pre-elementary, elementary, or secondary school or other institution at those levels, which is not owned and exclusively operated by the State;

or

(2) to pay the salary of any employee at any non-public school or institution where instruction is offered in whole or in part to non-public school students at any level.

(C) Students with Disabilities The State may pay the private school tuition of a student with a disability which renders the student unable to receive an education in the public schools.

(D) Federal Funding Nothing in this Section shall restrict the acceptance of funds from the government of the United States, nor the expenditure of those funds in accordance with the terms under which they are accepted.

PRESIDENT CASSELL: Thank you, Delegate Feely.

Delegate Graham?

MS. GRAHAM: Mr. President, Article VII, Finance and Taxation, will be read by Delegate Brian Moore. (Pause.) I'll go ahead.

(Whereupon, Delegate Graham read Article VII, Finance and Taxation, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

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ARTICLE VII

FINANCE AND TAXATION

Section 1 Fiscal Period

The fiscal, accounting, and budget periods of the State shall be 24 months which shall commence and terminate as provided by law.

Section 2 The Budget

At a time established by law, the Governor shall submit to the House of Delegates a balanced operating budget estimate for the next fiscal period. It shall state all anticipated expenditures and income for the State and for all its departments, agencies, and subdivisions. At that time, the Governor shall also submit a general appropriation bill or bills authorizing all anticipated expenditures and a bill or bills to raise all necessary revenues.

From time to time, the Governor may prepare and submit to the House of Delegates such supplemental or deficiency budget recommendations as in the judgment of the Governor are necessary to serve the public interest.

The proposed budget shall include a budget message, which shall contain multi-year plans for all departments, agencies, and subdivisions of the State, and for capital improvements. The period of the multi-year plans and their specific contents shall be defined by law.

The budget of the Governor shall be available and summaries shall be distributed to the public.

The House of Delegates shall establish an independent agency to project revenue estimates for the next fiscal period. These projections shall be published and made available to the public.

Section 3 Adoption of the Budget

After receipt of the proposed budget from the Governor and within a time period established by law, the House of Delegates shall adopt and transmit to the Governor a balanced operating budget for the State.

Section 4 Expenditures

No money shall be withdrawn from the Treasury except in accordance with appropriations made by law, nor shall any obligations for the payment of money be incurred except as authorized by law. The appropriation for each department, agency, or subdivision of the State shall specify distinctly the sum appropriated and the general or specific purpose for which it is made.

Section 5 Borrowing

The State may incur indebtedness only by authorization of the House of [illegible] by issuing general obligation bonds for capital

projects, revenue notes in anticipation of revenues, and negotiable notes to meet appropriations.

The House of Delegates shall set an overall debt limit for indebtedness through general obligation bonds.

All indebtedness, except general obligation bonds for capital projects, must be retired within the same fiscal period or within the succeeding fiscal period.

Section 6 Debt Service Limitations

Long-term debt shall not be incurred to the extent that it requires debt service of more than 14 percent of the revenues during any biennial fiscal period.

Section 7 Taxation

(A) Taxing Power The State House of Delegates shall have the power to tax. This power shall never be surrendered, suspended, or contracted away, except as provided in this Constitution.

(B) Tax Exemptions - Retail Sales The State House of Delegates shall not have the power to tax purchases of retail groceries and prescription drugs and other medicines. These terms shall be defined by the House of Delegates.

(C) Tax Exemptions - Real Estate Tax exemptions on real property not owned and controlled by the State or its political subdivisions and not used exclusively for a public purpose may not be granted by the House of Delegates except with respect to real property used exclusively for non-profit, religious, educational, or charitable purposes or as required by the United States Constitution. Private leaseholds, contracts, or interests in land or property owned or held by the State, or its political subdivisions, shall be taxable to the extent of the interests.

(D) Tax Bills No tax shall be levied, except as provided by law, and every law imposing a tax shall be addressed in a separate bill. No matter not immediately relating to and necessary for raising revenue shall be blended with or annexed to a bill for imposing taxes.

Section 8 Earmarking

Except as required by participation in federal programs or interstate compacts or as needed to secure authorized debt, the State shall not authorize the earmarking of funds for longer than two fiscal periods.

Section 9 Limitations on Appropriations

No appropriation shall ever be made from any public fund in aid of any religious creed, church, or sectarian purpose, or to help, support, or sustain any private school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church, or [illegible]ination, unless earmarked for a program of public service. [illegible] property or real estate shall ever be made [illegible] for any religious creed,

MS. GRAHAM: Mr. President, Delegate Hilda Mason will read Article VIII, Banking and Corporations.

MRS. MASON: Mr. President and members of the Delegation, I now read Article VIII, Banking and Corporations.

(Whereupon, Delegate Mason read Article VIII, Banking and Corporations, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

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ARTICLE VIII

BANKING AND CORPORATIONS

Section 1 State Banking Commission

The House of Delegates shall establish a State Banking Commission to regulate State chartered financial institutions and to perform such other functions as may be provided by law.

Section 2 State Depositors Insurance Fund

The House of Delegates shall establish a State Depositors Insurance Fund System.

Section 3 State Economic Development Bank

The House of Delegates shall establish a State Economic Development Bank. Its primary responsibility shall be to provide loans to those individuals, corporations, partnerships, limited partnerships, cooperatives, or other businesses and establishments that are unable to obtain loans from any private bank, savings and loan association, or credit union within the State.

Section 4 Corporations

The House of Delegates shall provide by law for the organization, regulation, and qualification of all corporations, credit unions, unincorporated enterprises, mutual and cooperative companies and associations, and foreign corporations doing business in the State.

PRESIDENT CASSELL: Thank you.

Delegate Graham?

MS. GRAHAM: Mr. President, Article IX, Land and the Environment.

(Whereupon, Delegate Graham Read Article IX, Land and the Environment, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

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ARTICLE IX

LAND AND THE ENVIRONMENT

Section 1 Land

(A) Comprehensive Plan

(1) Plan Every ten years within a time period fixed by law, the Governor shall submit to the House of Delegates and the public a ten-year comprehensive land use plan. The objective of the plan shall be the use and development of land in a manner consistent with the public welfare. The neighborhoods of the State shall serve as the foci for the development of the plan. A summary of the plan shall be distributed to the public.

(2) Citizen Advisory Planning Commission In order to ensure citizen participation in the development of the land use plan, the Governor shall establish a Citizen Advisory Planning Commission. The Governor shall determine the size of the Commission and appoint its members including at least one resident from each legislative district. The House of Delegates shall determine the terms of office of members of the Commission and establish their rate of compensation, if any.

(3) Adoption Within a time period fixed by law, after receiving the proposed comprehensive plan and conducting public hearings on it, the House of Delegates shall consider it, make any necessary changes, and upon adoption transmit the approved plan to the Governor. The plan shall guide the actions of all State agencies and commissions.

(B) Eminent Domain Private property shall not be taken or damaged for public purposes without just compensation. Private property shall not be taken in order to transfer it to another private use for profit unless the taking serves a compelling public purpose that clearly cannot be achieved by any alternative means.

(C) Public Land Acquisition The State may acquire interests in real property to control future growth, development, and land use.

(D) Zoning The House of Delegates shall establish a Zoning Commission to protect the public health and welfare, protect property, and secure the public safety.

Section 2 Environment

(A) Public Policy It is the responsibility of the State to protect, restore, and enhance the quality of the human environment for this and future generations.

(B) Preservation The State shall provide for the preservation and development of open green space and of sites, objects, and properties of historical or cultural value.

(C) Rights of Individuals Each person has the right to a clean and healthful environment and has a corresponding duty to refrain from environmental impairment. Each person may enforce these rights and duties against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.

(D) Legislative Responsibility The House of Delegates shall establish an agency and enact other appropriate legislation to carry out the policies of this Section.

PRESIDENT CASSELL: Thank you.

MS. GRAHAM: Mr. President, Article X, Public Services.

(Whereupon, Delegate Graham read Article X, Public Services, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

ARTICLE X

PUBLIC SERVICES

Section 1 Transportation

Public Transportation performs a function essential to the general welfare of the State. It is a policy of the State to provide convenient access to effective means of public transportation at reasonable rates for all of its geographical communities.

Section 2 Utilities

The general welfare of the State requires effective regulation of public utilities through consumer participation and the protection of consumers from excessive rates. To advance these goals,

a) it is hereby declared that utility service shall be provided at the lowest reasonable rates sufficient to assure adequate, efficient, and reasonable services; and that unreasonably high rates based on excessive capital investment shall not be permitted;
b) the House of Delegates shall establish one or more commissions to regulate public utilities and provide for the conservation of energy resources within the State, as provided for by law; and
c) there shall be an Office of People's Counsel to represent consumers before the regulatory commission or commissions.

Section 3 Publicly Owned Utilities

Utilities are works of public necessity and importance the services of which the State may itself provide. The State may acquire, own, or operate public utilities and provide their services to consumers.

MS. GRAHAM: Mr. President, Ms. Feely will read Article XI, Health, Housing, and Social Services; Article XII, Labor, and Article XIII, Local Government Units.

PRESIDENT CASSELL: I hope we can speed up the reading now by just making them somewhat continuous, and possibly a little faster.

(Whereupon, Delegate Feely read Article XI, Health, Housing, and Social Services; Article XII, Labor; and Article XIII, Local Governments, of the Constitution of the State of New Columbia, in their entirety, as follows:)

(Insert)

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ARTICLE XI

HEALTH, HOUSING, AND SOCIAL SERVICES

Section 1 Health

(A) General Provisions The State shall provide for the protection and promotion of public health. The State shall have the power to assist residents unable to maintain standards of living compatible with decency and good health care.

(B) Disabled Persons As provided by law, the State shall provide treatment, care, and training, including education to their fullest potential, for persons suffering from mental illness, physical disability, or retardation.

The State shall have complete administrative control of state hospitals and other state institutions and centers established to assist these persons and shall administer other programs as provided by law.

As provided by law, the State shall regulate private institutions established to assist these persons.

There shall be a Chief Administrator of Mental Health who shall be responsible for regular, systematic visitation and inspection of all public and private institutions used for the care and treatment of mentally disabled persons.

(C) Public Health Facilities The State shall have the power to provide for the establishment and maintenance of a network of comprehensive health facilities which provide for the prevention, treatment and care of illnesses and health-related problems.

(D) State Board of Health There shall be a State Board of Health whose responsibilities shall include enforcing, overseeing, and maintaining decent health and nutritional care, and maintaining the vital statistics necessary to improve the health of the people.

The House of Delegates shall determine the size and composition of the Board.

Section 2 Housing

The State shall have the power to provide low and moderate income families with assistance in obtaining decent, sanitary, and safe housing and to develop or rehabilitate substandard areas. The exercise of this power is deemed for public use and purpose.

Section 3 Social Services

(A) Unemployment and Workers Compensation The State shall have the power to provide an adequate system of unemployment compensation and workers

compensation benefits for employees, including provisions for compensating employees absent from work because of pregnancy, childbirth, or the need to care for newborn or young children.

(B) Public Sector Jobs and Welfare The State shall have the power to create jobs and to provide transfer payments for the purpose of meeting basic human needs.

(C) Day Care Centers The State shall provide and maintain public day care centers as provided by law and shall establish standards for publicly and privately operated day care centers.

(D) Youth Offenders and Criminals The State shall provide for the maintenance and support of institutions for the detention of youth offenders and persons charged with or convicted of crimes. Rehabilitation programs shall be developed and maintained for the transition of persons from these institutions to the community, as provided by law.

(E) The Elderly The State shall have the power to establish and promote programs to assure the economic and social well-being of the elderly, including provision for their health, security, and access to public buildings. The State shall regulate private and public nursing homes for the elderly and the disabled, as provided by law.

(F) Cultural Resources The State shall have the power to preserve and enhance the cultural, creative, and traditional arts of its people and shall maintain an appropriate facility for this purpose. The State shall preserve historical sites and landmarks.

ARTICLE XII

LABOR

Section 1 Collective Bargaining

Persons in private and public employment shall have the right to organize and bargain collectively, through representatives of their own choosing. The right to strike is fundamental and is an inherent part of the right to organize and bargain collectively. The right of public employees to strike shall not be abridged unless the abridgement serves a compelling governmental interest and is narrowly drawn so as to serve that interest, and it is clear that no alternative form of regulation is possible.

Section 2 Minimum Wages, Equal Pay, Health and Safety

The House of Delegates shall provide for minimum wages, equal pay for equal work and equal pay for comparable work, and a safe and healthy workplace. Minimum wages established shall apply to all employees covered thereby. The House of Delegates may enact other laws to enhance and promote the dignity and general welfare of labor, but no laws shall be enacted which impair the ability of collective bargaining organizations to carry out their lawful functions.

Section 3 Administration of Labor Relations

The House of Delegates shall establish an agency or agencies within one of the principal executive departments to administer and enforce all laws, regulations, and programs concerned with collective bargaining and the general welfare of labor.

ARTICLE XIII

LOCAL GOVERNMENT UNITS

Section 1 Authority

The House of Delegates shall permit areas of the State to elect local officers and to exercise such local authority, other than the authority to tax, zone land, or enact legislation, as it may by law provide. The House of Delegates shall have the ultimate authority for establishing standards and for determining whether the proposed local government unit meets those standards.

Section 2 Charters

The House of Delegates shall establish procedures to permit an area to petition for the election of a Charter Commission. A charter shall include provisions for a charter amendment process and for a process by which neighboring areas may later be considered for inclusion in the local government unit. The House of Delegates shall provide that the charter drafted by the elected Commission be submitted to the voters of the proposed unit for approval before submission to the House of Delegates.

Section 3 Special Districts

The House of Delegates shall have the power to create special districts for public purposes.

Section 4 Advisory Neighborhood Commissions

Advisory Neighborhood Commissions shall exercise the authority which they had at the time the State entered the Union, and any additional authority subsequently provided by law. The House of Delegates may modify this structure but shall always provide for elected advisory neighborhood mechanisms in unchartered areas of the State.

Section 5 Implementation

A law implementing this Article shall be passed by the House of Delegates within two years of the convening of the first House of Delegates and shall be subject to the approval of the voters of the State.

MS. GRAHAM: Mr. President, Delegate Barbara Lett Simmons will read Articles XIV, XV, and XVI.

PRESIDENT CASSELL: Very well.

(Whereupon, Delegate Simmons read Article XIV, Apportionment; Article XV, Initiative, Referendum, and Recall; and Article XVI, Intergovernmental Relations, of the Constitution of the State of New Columbia, in their entirety, as follows:)

(Insert)

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ARTICLE XIV

APPORTIONMENT

Section 1 Reapportionment of Legislative Districts

The State shall be apportioned into 40 legislative election districts of substantially equal population. As soon as practicable after the results of each decennial census are reported, but in any event not later than the calendar year following the taking of the census, these districts shall be revised to maintain districts of substantially equal population. The Reapportionment Commission established by this Article shall conduct the reapportionment, which shall be subject to judicial review upon the application of any qualified registered voter of the State.

Section 2 Reapportionment Commission

(A) Membership The reapportionment of legislative districts shall be carried out by a Reapportionment Commission consisting of five members appointed by the Governor in January of the year before the year in which the decennial census is conducted. No member may hold any other public office. The State Committee of each of the three political parties having the highest number of votes in the most recent gubernatorial election shall submit to the Governor a list of three names of registered voters who are members of that party for the consideration of the Governor. The President of the House of Delegates shall also submit to the Governor the names of three registered voters, regardless of party affiliation. The Governor shall appoint Commission members from the combined list of 12 names. No more than two of the five appointees shall be members of the same political party. Any independent candidate receiving one of the three highest totals in the most recent gubernatorial election shall be treated as a state committee for purposes of this Section.

(B) Additional Duties In addition to establishing legislative districts, the Commission shall establish any districts required for the members of the United States House of Representatives representing this State, establish appropriate single-member districts for any other elective office, and participate with the United States in joint preparations for the decennial census.

(C) Term The Reapportionment Commission shall continue in office until the completion of the reapportionment relevant to all offices as a result of the decennial census, including the final adjudication of all appeals.

Section 3 Apportionment Standards

Each district shall have a population which varies by no more than three percent from the average population of all districts. Each district shall respect neighborhood integrity, be contiguous, and be as compact as possible. In reapportioning the State, the Commission may take into account natural features and open spaces, such as rivers and parks, but

shall not take into account the addresses of incumbent elected officials, the political affiliations of registered voters, the results of previous elections, or demographic information other than the actual number of persons found by the most recent census to reside in each census tract or other geographical area. No reapportionment shall be effected for the purpose of favoring or harming any political party, incumbent public official, or other person or group.

ARTICLE XV

INITIATIVE, REFERENDUM, AND RECALL

Section 1 Right to Initiative, Referendum and Recall

Although the legislative power of the State is vested in the House of Delegates, the people reserve to themselves the power to propose, adopt, and repeal laws and constitutional provisions. The people also reserve to themselves the power to remove from office elected State and local government officials.

Section 2 Initiative Procedures

(A) Definition, Presentation, and Limitations Initiative is the power of the voters to propose laws and amendments to the Constitution and to adopt or reject them.

An initiative may be proposed by presenting to the Lieutenant Governor the text of the proposed law or constitutional amendment.

The proposed law or amendment to the Constitution shall embrace a single subject and related matters.

(B) Obligation and Responsibilities Upon receipt of an initiative, the Lieutenant Governor shall submit it immediately to the Attorney General.

Within 20 calendar days, the Attorney General shall provide the proponents of the initiative an advisory opinion on its clarity and whether or not it meets the requirements of this Article for placement on the ballot.

The proponents shall then resubmit the proposal, revised or unchanged, to the Lieutenant Governor.

Within 20 calendar days, the Lieutenant Governor shall prepare an accurate title and summary statement for use on the petition form.

(C) Certification and Circulation Upon the receipt of petitions signed by qualified voters equal in number to five percent, in the case of a law, and ten percent, in the case of a constitutional amendment, of the votes cast for all candidates for Governor in the most recent gubernatorial election, provided that the respective percentages for each type of initiative must have been met in at least two-thirds of the legislative districts of the State, the Lieutenant Governor shall submit the measure at the next election held at least 120 days after it qualifies.

The circulation period allowed for an initiative petition shall be 180 days after the proponents receive a title and summary from the Lieutenant Governor.

(D) Effective Date An initiative approved by a majority of the voters shall take effect 30 days after certification by the Lieutenant Governor.

(E) Limitations No proposal shall be the subject of any initiative if it relates to the appointment, qualifications, tenure, removal, or compensation of Justices or Judges; to the powers, jurisdiction, creation, or abolition of courts or any rules thereof; to the appropriation of any money other than new revenues created and provided thereby; or to the diminishment of the rights and protections of any persons as enumerated in this Constitution or as provided by law.

(F) Conflicts If provisions of two or more initiatives approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(G) Amendment and Repeal The House of Delegates may amend or repeal an initiative law during a two-year period following its enactment only by a three-fourths majority vote of the Delegates present and voting. Repeal of an initiative by another law shall become effective only when approved by the voters unless the law adopted by initiative permits repeal without their approval.

Section 3 Referendum Procedures

(A) Definition The referendum is the power of the voters to approve or reject newly enacted laws or parts of laws.

(B) Requirements A referendum may be proposed by a voter to the Lieutenant Governor, within 90 days after the enactment of the law which is the subject of the referendum provided, that the petition contains the required number of signatures of voters.

A petition must be signed by registered voters in number not less than five percent of the statewide votes cast for all candidates for Governor at the most recent gubernatorial election, provided that the signature percentage requirement shall have been met in at least two-thirds of the legislative districts of the State.

The petition shall ask that a law or a part of a law be submitted to the voters.

(C) Implementation

(1) Upon verification of the petition signatures, the Lieutenant Governor shall submit the referendum to the voters for approval or disapproval.
(2) The referendum election shall be held 60 days after verification of requirements.
(3) The Governor may call a special statewide election.

(D) Limitations A referendum petition may not be filed with respect to a law or part of a law that provides human rights or protections or relates to appointment, qualifications, tenure, removal, or compensation of judges; the powers, creation, or abolition of courts; the appropriation of money for the current or ordinary expenses of the State or for any of its departments, boards, commissions, or institutions. Any capital project may be the subject of a referendum, except for capital projects for public education.

(E) Effective Date The result of a referendum election takes effect immediately after the official declaration of the vote by the Lieutenant Governor.

(F) Exception Except in the case of an emergency law, the timely filing of a referendum petition and verification by the Lieutenant Governor that it complies with the requirements of this Article shall suspend the operation of the law which is the subject of the referendum unless the Lieutenant Governor finds that it does not comply with all the requirements of this Article.

A majority affirmative vote shall put the law into effect; a negative vote shall render it null and void. An emergency law remains in effect unless there is a majority vote against the law, in which case it shall become null and void.

Section 4 Publicity

The House of Delegates shall provide methods of publicizing all inititative or referendum measures referred to the voters with statements for and against the measures so referred. The Lieutenant Governor shall undertake distribution of the measures to ensure that voters shall have an opportunity to study the measures prior to the election.

Section 5 Recall Procedures

(A) Definition Recall is a procecess by which voters may remove an elected State or local government official.

(B) The Petition Process The Lieutenant Governor shall supervise the petition process including certification of the required number of signatures. A maximum of 90 days is allotted for the collection of signatures.

(C) The Petition Statement The recall petition shall contain a concise statement alleging the reasons for recall. The wording of the statement shall be determined by the petitioners in cooperation with the Attorney General.

(D) Petition Signature Requirements A recall petition shall contain at least 25 percent of the total number of all votes cast in the most recent election for the position in question. In the case of a statewide office, this 25 percent requirement must be met in at least two-thirds of the legislative districts.

(E) Initiation of Recall Recall cannot be initiated within the first six months or the last 12 months of the term of an elected official nor upon more than one occasion during that term.

(F) Time of Recall Election A recall election shall be held no less than 60 days nor more than 120 days after certification of the signed petitions.

(G) Votes Required for Recall A simple majority vote shall remove the official from office.

(H) Reimbursement Within limits set by the House of Delegates, recall expenses incurred by the official, if retained, shall be paid by the State.

(I) Filling a Recall Vacancy When an official is recalled, the vacancy shall be filled by a special election held no more than 90 days after the recall certification or at the next regularly scheduled election if it occurs within 150 days.

(J) Local Government Units Any local government unit shall have the power to provide in its charter for recall of its elected officials.

Section 6 Enabling Legislation

This Article is self-executing, but enabling legislation may be enacted.

ARTICLE XVI

INTERGOVERNMENTAL RELATIONS

Section 1 Boundaries of the State

(A) The boundaries of the State shall be subject to the approval of the Congress of the United States and the voters of the State. The State shall include, however, at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area as defined in this Section.

The outer limits of the boundaries of the National Capital Service area are:

Beginning at the Northwest point on the present Virginia-District of Columbia boundary, running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northeast so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary; and

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the National Capital Service Area is bounded by a street, the street and its sidewalks shall be included within that Area.

(C) The District Building shall, however, be part of the State.

Section 2 Cooperation With Other Governments

With the consent of the House of Delegates, the Governor may enter into agreements or compacts for any public purpose with other governmental entities including other states and the United States. At the request of the United States and with the consent of the House of Delegates, the Governor shall negotiate contracts with the United States to provide police, fire, sanitation, and other services to foreign embassies and chanceries and to federal buildings and other federal property located in the State or in the National Capital Service Area.

Section 3 Acceptance of Federal Funds

No taxes shall be imposed by the State upon any property now owned or hereafter acquired by the United States, unless the property becomes taxable because the United States disposes of it or consents to taxation. The State may accept from the United States grants and other payments, including payments in lieu of tax revenues that would be collected were the federal property in the State subject to taxation.

MS. GRAHAM: Mr. President, Delegate Jeannette Feely will read Article XVII, Amendment and Revision.

(Whereupon, Delegate Feely read Article XVII, Amendment and Revision, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

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ARTICLE XVII

AMENDMENT AND REVISION

Section 1 Introduction

Amendments to this Constitution may be proposed by the House of Delegates, an initiative, or a constitutional convention.

Section 2 The House of Delegates

The House of Delegates may propose an amendment by the affirmative votes of two-thirds of all members. The Lieutenant Governor shall distribute the proposed amendment no less than 90 days before the next appropriate election.

The Lieutenant Governor shall then place the proposed amendment on the ballot.

The amendment shall take effect immediately after certification that it received a majority vote, unless otherwise provided in the amendment.

Section 3 The Initiative

The voters of the State may propose an amendment by initiative as prescribed by this Constitution.

Section 4 The Constitutional Convention

(A) Call The voters of the State may, by the initiative, call for a constitutional convention at any time. The convention may propose amendments or revisions to the Constitution. The Lieutenant Governor shall distribute the proposed amendment or amendments no less than 90 days before the next appropriate election. The Lieutenant Governor shall then place the amendment or amendments on the ballot. The proposed amendment or amendments shall take effect immediately after certification of a majority vote.

(B) Decennial Review If within ten years following the date this Constitution enters into force the people do not file an initiative to call a constitutional convention, the Lieutenant Governor shall place on the ballot at the next general election a referendum consisting of the question: "Shall there be a constitutional convention?" Thereafter, the same requirement shall hold for every succeeding ten-year period.

(C) Preparatory Commission After an affirmative vote to hold a constitutional convention, the Governor shall provide for a preparatory commission to assemble information on constitutional issues and to organize administrative support for the convention.

(D) Delegates Each legislative district shall elect an equal number of delegates to the constitutional convention.

Section 5 Conflicting Amendments

If provisions of two or more amendments approved at the same election conflict, those of the amendment receiving the highest affirmative vote shall prevail.

Section 6 Disapproval of Amendments

If an amendment is disapproved neither that amendment nor any substantially similar amendment shall be submitted to the voters for a period of two years.

Section 7 Enabling Legislation

This article shall be self-executing, but enabling legislation may be enacted.

MS. GRAHAM: Mr. President, Article XVIII, Transition.

(Whereupon, Delegate Graham read Article XVIII, Transition, of the Constitution of the State of New Columbia, in its entirety, as follows:)

(Insert)

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ARTICLE XVIII

TRANSITION

Section 1 Effective Dates

The provisions of Sections 1 through 3 of this Article, providing for the establishment of the first government of the State, shall enter into force on a date specified in the federal legislation admitting the State to the Union. The State shall come into being and the remainder of this Constitution shall enter into force at 10:00 A.M., Eastern Standard Time, on the second day of the tenth full month after that date.

Section 2 Initial Apportionment and Elections

(A) Commission Immediately following the enactment of legislation admitting this State to the Union, the Mayor of the District of Columbia shall initiate appointment of a Commission and the Council of the District of Columbia shall provide election procedures. The Mayor of the District of Columbia shall issue a Proclamation and shall promptly appoint, with the advice and consent of the members of the Council, nine members of a Commission of Initial Apportionment, including at least one member from each of the eight wards of the District. The members and staff of the Commission shall be compensated as provided by law. The Commission shall, within thirty days after its last member is appointed, apportion the State into 40 legislative districts in a manner consistent with Section 3 of Article XIV of this Constitution.

(B) First Elections By law, the Council of the District of Columbia shall provide for the election of the House of Delegates, Governor, and Lieutenant Governor of the State. Regular or special primary and general elections shall be held for these offices within 120 days after the initial apportionment plan enters into force, except that these elections shall not take place during July or August or before September 15th. The 120-day limitation may be extended, if necessary, in order to avoid having to hold these elections during those months.

Section 3 Initial Terms of Office of Delegates, the Governor, and Lieutenant Governor

(A) Staggered Terms for Delegates At a public drawing within five days after the initial apportionment plan has entered into force, the Chair of the Commission on Apportionment shall select, at random, half of the legislative districts to be Group A districts. The initial terms of office of members of the House of Delegates elected from Group A districts shall begin 20 days after the date of certification of their elections and shall expire on the second Monday in January of the second odd-numbered year following their election. The initial terms of office of members of the House of Delegates elected from other districts shall begin 20 days after the date of certification of their election and shall expire on the second Monday in January of the first odd-numbered year following their election; except that if this provision would result in a term shorter than one year, their terms shall expire on the second Monday in January of the third odd-numbered year following their election.

(B) Governor and Lieutenant Governor The terms of office of the first Governor and the first Lieutenant Governor shall begin 20 days after certification of their elections and shall expire on the second day of January following the date of the next Presidential election. If this provision would result in terms shorter than one year, their terms shall expire on the second day of January of the year after the second Presidential election year following their election.

(C) Holdover Term for Mayor If the first election for Governor of the State has not been held by the date that the State comes into being, or if for any other reason a Governor cannot assume office on that date, the Executive power of the State shall be exercised temporarily by the person last elected as Mayor of the District of Columbia prior to the effective date of this Section of the Constitution.

(D) Holdover Term for Council Members If the first election for State Delegates has not been held by the date that the State comes into being, or if for any other reason the members of the House of Delegates cannot assume office on that date, the legislative power of the State shall be exercised temporarily by the persons last elected as members of the Council of the District of Columbia prior to the effective date of this Section of the Constitution.

(E) No Interim Elections No new election for Mayor or Council shall be held after this Section of the Constitution becomes effective. If such an election would ordinarily be scheduled between the date when this Article of the Constitution becomes effective and the date when the other Articles of the Constitution become effective, the Mayor and the Council shall hold over.

(F) Eligibility for Re-election The first term of the Governor and Lieutenant Governor shall count as a full term for the purposes of determining eligibility for re-election only if it is of four-year duration or longer.

Section 4 Judiciary and Other Officers

(A) Judges The Chief Judge and Associate Judges of the Court of Appeals of the District of Columbia on the date when this section enters into force shall become the Chief Justice and Associate Justices of the Supreme Court of the State. The Chief Judge and Associate Judges of the Superior Court of the District of Columbia on that date shall become the Chief Judge and Associate Judges of the Superior Court of the State. At the general election held in the final year of their terms, such judges shall be subject to retention or rejection by the voters in accordance with the provisions of Article IV. Retired Judges of the Court of Appeals of the District of Columbia and of the Superior Court of the District of Columbia shall become Retired Justices of the Supreme Court of the State and Retired Judges of the Superior Court of the State, respectively. They may be assigned by the Chief Justice for temporary service.

(B) Judicial Nomination Commission The terms of seven of the members first appointed to the Judicial Nomination Commission shall be shorter than six years, as provided by law, so that terms of members will expire on a

staggered basis. The Governor of the State and the Board of Governors of the Unified State Bar shall determine, for their initial appointments, which appointees shall serve which terms.

(C) Commission on Judicial Disabilities and Tenure The persons first selected as members of the Commission on Judicial Disabilities and Tenure shall begin to serve their terms upon the expiration of the terms of corresponding incumbent members of the Commission on Judicial Disabilities and Tenure established by Section 431 of the District of Columbia Self-Government and Reorganization Act (Dec. 24, 1973, 87 Stat. 792).

(D) Marshals By agreement between the State and the United States, the United States Marshal may provide services to the courts of the State until the State has appointed its own officers to provide these services.

(E) Other Officers Except as otherwise provided in this Constitution, all other officers filling any office by election or appointment shall continue to exercise their duties, according to their respective commissions or appointments, until their offices shall have been abolished or their successors have assumed office.

Section 5 Existing Laws, Rights, and Proceedings

(A) Laws and Regulations All laws and regulations of the District of Columbia not inconsistent with this Constitution shall continue in force until they expire by their own limitation or are amended or repealed.

(B) Congressional Legislation Legislation passed by Congress applicable only to the District of Columbia and not inconsistent with this Constitution is hereby adopted as state law, subject to amendment or repeal by the House of Delegates.

(C) Legal Continuity All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected except as modified in accordance with the provisions of this Constitution. The State shall be the legal successor to the District of Columbia in all matters.

(D) Residence and Qualifications Residence, citizenship, or other qualifications under the District of Columbia may be used toward the fulfillment of corresponding qualifications required by this Constitution.

(E) Debts, Assets, and Records The debts and liabilities of the District of Columbia, as of the date that the State comes into being, shall be assumed by the State, and debts owed to the District of Columbia shall be collected by the State. Assets and records of the District of Columbia shall become the property of the State.

Section 6 United States Senators and Representatives

(A) Senators-Elect and Representatives-Elect The Senators-elect and Representatives-elect chosen by the people prior to admission of the State

to the Union shall serve as United States Senators and Representatives in Congress until their successors have assumed office.

(B) First Elections New elections for these offices shall be held at the first general election which occurs in an even-numbered year after this Constitution becomes effective.

(C) Staggered Terms for Senators At that time, one Senator shall be elected for the long term and one Senator for the short term. Each term shall begin on the third day of the following January and shall expire on the third day of January in an odd-numbered year to be determined by authority of the United States.

Section 7 Agencies With Federally-Appointed Officers

Boards, commissions, or other agencies of the District of Columbia, the duties of which are consistent with this Constitution and the membership of which includes persons who hold office because they also hold or were appointed by persons who hold federal office, shall continue to function without those Federally-appointed officers. No vacancies shall be deemed to be created by the abolition of the Federal positions.

Section 8 Transfer of Matters to the Attorney General

Upon assuming office, the Attorney General of the State shall assume control of all matters formerly handled by the Corporation Counsel of the District of Columbia.

When the Attorney General is prepared to handle legal matters of the type previously handled by the United States Attorney for the District of Columbia, the Attorney General shall arrange with the United States Attorney for the orderly transfer of such matters to the Office of the Attorney General. The House of Delegates may limit the time within which matters shall be transferred.

The Attorney General may agree with the United States Attorney to enable the United States Attorney to continue to handle any case or category of cases, including any case arising after this Constitution becomes effective, so that responsibility over these matters is transferred in an orderly manner. To facilitate continuity, the Attorney General may also agree to permit the United States Attorney to complete any case.

Until a matter is transferred at the request of the Attorney General, it may be handled by the United States Attorney as if it had been transferred to the Attorney General.

Section 9 Amendments Before the Constitution Enters into Force

After the voters have approved it and before Article XVII enters into force, amendments to this Constitution may be adopted by the voters of the District of Columbia after affirmative recommendation by a District of Columbia Statehood Constitutional Convention or by a two-thirds vote of the Council of the District of Columbia. This Section shall take effect when the Constitution is approved by the voters.

MS. GRAHAM: The Constitution for the new State of New Columbia, Mr. President.

(Whereupon, the reading of the Constitution was completed.)

(Applause.)

PRESIDENT CASSELL: Delegate Graham, what did you say the name of the new State is?

MS. GRAHAM: New Columbia, Mr. President.

PRESIDENT CASSELL: New Columbia. Now, let's hear it.

(Extended applause.)

PRESIDENT CASSELL: The next order of business is debate on the Articles that have just been read to you.

Delegate Baldwin?

MS. SIMMONS: Point of order, Mr. President.

PRESIDENT CASSELL: Point of order.

MS. SIMMONS: It would seem in order that "New Columbia", that State name, was given to this body by an amendment by the Ward 6 Delegate Geraldine Warren, and I think we ought to make mention of that fact on the record.

PRESIDENT CASSELL: Delegate Gerry Warren, stand.

(Applause.)

PRESIDENT CASSELL: Thank you very much, Delegate Warren

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